

## UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

FILED IN OPEN COURT *dk*

ON

5/2/2012Julie A. Richards, Clerk  
US District Court  
Eastern District of NC

United States of America

v.

Benjamin Scott Deal

Case No: 5:04-CR-122-1BOUSM No: 24054-056Date of Original Judgment: 01/01/2006Date of Previous Amended Judgment: 05/05/2009

(Use Date of Last Amended Judgment if Any)

Thomas P. McNamara

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 100 months, concurrent months is reduced to 85 months, concurrent\*.

*TWN*

\*This sentence consists of 70 months on Counts 1 and 2, to run concurrently.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated January 1, 2006, April 4, 2008, and May 5, 2009 shall remain in effect. **IT IS SO ORDERED.**

Order Date:

5-2-12*Terrence W. Boyle*  
Judge's signature

Effective Date:

(if different from order date)

Terrence W. Boyle, U.S. District Judge

Printed name and title